REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-19, as well as newly added Claim 45, the only claims pending and currently under examination in this application.

The Examiner is thanked for the indication of the subject matter of Claims 2-5 and 13-19 as allowable over the art.

In the Advisory Action, the Examiner indicates that the rejection of Claims1-19 under 35 U.S.C. § 112, 2nd paragraph, has been maintained for the asserted reason that the purpose of using the metal ion chelating polysaccharide is not clear.

Again, it is respectfully submitted that 35 U.S.C. § 112, 2nd paragraph does not require the purpose of every element listed in a claim to be recited in the claim. It is sufficient for purposes of this section of the law that an element be recited in the claim such that one of skill in the art would know the metes and bounds of the recited term. In the present situation, the element recited is a metal ion chelating polysaccharide. One of skill in the art would readily know the metes and bounds of this term, particularly when read in view of the specification at page 28, lines 4-19.

Providing a reason for the purpose of this element or how it functions is simply not a requirement of the law to the Applicants' knowledge. If this rejection is to be maintained, the Examiner is respectfully requested to provide the specific section and text of the law upon which the rejection is based.

In view of the above, the Examiner is respectfully requested to withdraw the rejection of Claims1-19 under 35 U.S.C. § 112, 2nd paragraph.

Claims 1, 6-12, 17 and 18 continue to rejected under 35 U.S.C. § 102(b) as being anticipated by 6,207,369. In making this rejection, the Examiner asserts that the 6,207,369 patent teaches the sensitivity element of 10 pg/ml as recited in the claims. To support this assertion, the Examiner cites Col. 26, line 22 and Col. 38, line 46 of the '369 patent.

However, Col. 26, line 22 reads:

> A binding reagent may be used that is an enzyme specific for a substrate (said substrate being the analyte of interest), in which a product of the enzymatic reaction upon the substrate is a reporter agent (an agent that is detectable), e.g., a product that triggers an ECL reaction, a fluorescent molecule, a substance that changes color upon contact with appropriate enzyme (e.g., a chromogenic substrate for horseradish peroxidase), etc. In an example of such an

Furthermore, Col. 38, line 46 reads:

> Multiple binding pairs (e.g., M1/S1/M2) may form. M1 is a monoclonal antibody, S1 is an antigen to M1, and M2 is an antibody that binds to S1. This complex may constitute an antibody/antigen/antibody "sandwich" complex (such antibodies may or may not be monoclonal). M2 may be an antibody tagged with an ECL-active tag (vide supra), a fluorescent label, a radioactive label, an enzymic tag, and/or combinations thereof.

In the Advisory Action, the Examiner asserts that use of the above labels and strategy would provide the recited sensitivity limit of the Claim. It is not seen upon what facts this assertion is based. One could certainly employ the above labels and strategy and not achieve the required sensitivity of the claim.

As such, the passages cited by the Examiner to support the position of the Office do not in fact teach the sensitivity element of the presently claimed invention.

Accordingly, since the 6,207,369 patent does not teach the recite sensitivity element of the claimed methods, it does not teach all of the elements of the claimed invention.

Therefore, Claims 1, 6-12, 17 and 18 are not anticipated under 35 U.S.C. § 102(b) by 6,207,369 and this rejection may be withdrawn.

Finally, Claim 19 has been rejected under 35 U.S.C. § 103 (a) over 6,207,369 in view of 3,791,933. Moyer does not make up the above reviewed deficiency in the 6,207,369 patent with respect to the sensitivity element of the claimed methods. Accordingly, Claim 19 is not obvious over this combination of references and this rejection may be withdrawn.

CONCLUSION

In view of the above remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: March 21, 2005

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